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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRANDON JOHNSON,  
aka "Spank,"

Defendant.

2:10-CR-585-JCM

**Request for Access to Copy of  
Presentence Report as to Brandon  
Johnson**

The United States of America hereby requests access to a copy of the presentence report for the defendant Brandon Johnson, aka "Spank," pursuant to 18 U.S.C. § 3552(d).

This Court entered a Final Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P. 32.2(c)(2); 21 U.S.C. § 853(a)(1) and (p) based upon the plea of guilty by Brandon Johnson, aka "Spank," to the criminal offense, forfeiting the property set forth in the Plea Memorandum and the Forfeiture Allegation of the Criminal Indictment and shown by the United States to have the requisite nexus to the offense to which Brandon Johnson pled guilty. The Final Order of Forfeiture included a criminal money judgment of \$13,800.<sup>1</sup>

<sup>1</sup>Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 87; Plea Memorandum, ECF No. 88; Final Order of Forfeiture, ECF No. 110.

1           Undersigned received a request from Noble Title for a judgment or lien verification  
2 on their client, Brandon Johnson. Noble Title performed a lien search on their client and  
3 found the Final Order of Forfeiture for Brandon Johnson, aka “Spank,” during their  
4 search.<sup>2</sup> They have requested the Undersigned review their lien search result against  
5 defendant Brandon Johnson to verify whether their client is the same as the defendant. If  
6 Noble Title’s client is the same as the defendant, the United States Attorney’s Office will  
7 need to determine whether the criminal forfeiture money judgment will need to be paid out  
8 from any proceeds of the apparent real property sale with Noble Title.

9           The purpose of this request for access to the defendant’s presentence report is to  
10 compare and verify defendant Brandon Johnson to Noble Title’s client, also Brandon  
11 Johnson. The presentence report has relevant personal identifying information for the  
12 verification process and will only be reviewed by the undersigned AUSA. Noble Title will  
13 not have access to the presentence report at any time.

14           Undersigned is requesting the information specifically to compare the information  
15 received from Noble Title. Once undersigned reviews the information received from Noble  
16 Title versus the information of defendant’s presentence report, a response will be sent to  
17 Noble Title either informing them that their client is not the same person as our defendant,  
18 or their client is the same as our defendant and owes the balance of a criminal forfeiture  
19 money judgment to the government.

20           18 U.S.C. § 3552(d) states that, “The court shall provide a copy of the presentence  
21 report to the attorney for the Government to use in collecting an assessment, criminal fine,  
22 forfeiture or restitution imposed.” Due to the possibility that Noble Title’s client could be  
23 the same person as the defendant, having access to a copy of the presentence report will be  
24 helpful in identifying the veracity of this possibility.

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28       <sup>2</sup> Final Order of Forfeiture, ECF No. 110.

1 If Noble Title's client is the same person as the defendant, this may help the United  
2 States Attorney's Office with collection of the forfeiture criminal money judgment of  
3 \$13,800.<sup>3</sup>

4 Dated: December 29, 2022.

5 Respectfully submitted,

6 JASON M. FRIERSON  
7 United States Attorney

8 /s/ Misty L. Dante  
9 MISTY L. DANTE  
Assistant United States Attorney

10  
11 **ORDER**

12 **IT IS SO ORDERED**

13 **DATED:** 4:13 pm, January 13, 2023

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16 **BRENDA WEKSLER**  
17 **UNITED STATES MAGISTRATE JUDGE**  
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28 <sup>3</sup> *Id.*